



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CINCINNATI, OHIO 45268

January 24, 2019

Malvern Panalytical, Inc.
117 Flanders Rd.
Westborough, MA 01581

Sent via Email to:

PBI / Ex. 4

Subject: EP-17-C-000070 – Impact of Federal Government Shutdown due to Absence of Appropriations

Dear PBI / Ex. 4

This letter provides notification the Continuing Resolution that has provided appropriations under which the Environmental Protection Agency (EPA) has been operating expired effective December 28, 2018. Effective December 31, 2018, there were no longer appropriations supporting EPA. As a result, the EPA will shut down most activities with limited exceptions.

It is determined the subject Purchase Order includes excepted activities that are considered to be in direct support of the protection of life or property for which the EPA has responsibility. Therefore, you are directed to continue annual maintenance and emergency repair service for the PANalytical Axios Spectrometer (SN DY1349) during Option Period 1 (4/1/18 – 3/31/19). However, for any new work in support of authorized excepted activities, the contractor is hereby notified that such action will be undertaken "subject to the Anti-Deficiency Act exception for emergencies involving the safety of human life or the protection of property where the threat can be reasonably said to be near at hand and demanding of immediate response (excepted activities)".

If the excepted activities are performed at an EPA facility, you shall provide Scott Tharp (Phone: 513-487-2020) with a list of the names of contractor employees who will be performing work on-site and will require access to the EPA facility as soon as possible. Individuals whose names are not on the list will not be granted access to the EPA facility.

Further, since this work is considered excepted and can continue during the shutdown, a limited number of Government employees will be available to address necessary technical and contractual matters. The point of contact for contractual matters at the EPA will be Scott Tharp (Phone: 513-487-2020), who may provide you with additional technical or contractual direction supplementing the general guidance provided in this letter.

The direction in this letter is in effect until an appropriation authorizing EPA to operate is signed by the President at which time this direction is rescinded.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Tharp', written in a cursive style.

Scott Tharp
Contracting Officer

cc:

Adams, Tammy
Parrett, Christopher
Mash, Heath